

## **REMARKS**

Applicant respectfully requests entry of the following amendments and remarks contained herein in response to the Office Action mailed October 17, 2007. Applicant respectfully submits that the amendments and remarks contained herein place the instant application in condition for allowance.

Upon entry of the amendments in this response, claims 1 – 16 are pending. In particular, Applicant amends claims 1 – 2, 4, and 6 – 16. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

### **I. Examiner Interview**

Applicant first wishes to express sincere appreciation for the time that Examiner Chang spent with Applicant's Attorney, Anthony Bonner, during a telephone discussion on December 18, 2007 regarding the outstanding Office Action. During that conversation, Examiner Chang and Mr. Bonner discussed potential arguments and amendments with regard to claim 6, in view of *Auerbach*. The general thrust of the potential principal arguments included a discussion of at least one embodiment of the present application disclosing "indicating to a second recipient that the message originated from the sender." Thus, Applicant respectfully requests that Examiner Chang carefully consider this response and the amendments.

### **II. Rejections Under 35 U.S.C. §101**

The Office Action indicates that claims 11 – 16 stand rejected under 35 U.S.C. §101, claiming that the invention is allegedly directed to non-statutory subject matter. Applicant amends claims 11 – 16, as indicated above. Applicant submits that these amendments comply with the Office Action request and that claims 11 – 16 meet the requirements of 35 U.S.C. §101.

### III. Rejections Under 35 U.S.C. §102

#### A. Claims 1 – 5, 11, and 12 are Allowable Over *Couts*

##### 1. Claim 1 is Allowable Over *Couts*

The Office Action indicates that claim 1 stands rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Publication Number 2003/0120805 (“*Couts*”). Applicant respectfully traverses this rejection on the grounds that *Couts* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 1 recites:

A first communication device comprising:  
means for receiving an instant messaging (IM) message from a sender directed to a first IM address;  
means for conveying the IM message to a second IM address on a second communication device; and  
***indicating to the second communication device that the message originated from the sender.***  
***(emphasis added)***

Applicant respectfully submits that claim 1, as amended, is allowable over the cited art for at least the reason that *Couts* fails to disclose, teach, or suggest a “first communication device comprising... ***indicating to the second communication device that the message originated from the sender***” as recited in claim 1, as amended. More specifically, *Couts* discloses that a “message [is] forwarded to the available next user or device of the forwarding list” (FIG. 2, element 228). However, *Couts* is silent regarding indicating to the second communication device that the message originated from the sender. For at least this reason, claim 1, as amended, is allowable.

##### 2. Claim 2 is Allowable Over *Couts*

The Office Action indicates that claim 2 stands rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Publication Number 2003/0120805 (“*Couts*”). Applicant

respectfully traverses this rejection on the grounds that *Couts* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 2 recites:

A first communication device comprising:  
receive logic configured to receive, from a sender, an instant messaging (IM) message directed to a first IM address; and  
convey logic configured to convey the IM message to a second IM address on a second communication device; and  
***indicate logic configured to indicate to the second communication device that the message originated from the sender.***  
***(emphasis added)***

Applicant respectfully submits that claim 2, as amended, is allowable over the cited art for at least the reason that *Couts* fails to disclose, teach, or suggest a “first communication device comprising ***indicate logic configured to indicate to the second communication device that the message originated from the sender***” as recited in claim 2, as amended. More specifically, *Couts* discloses that a “message [is] forwarded to the available next user or device of the forwarding list” (FIG. 2, element 228). However, *Couts* is silent regarding indicating to the second communication device that the message originated from the sender. For at least this reason, claim 2, as amended, is allowable.

### **3. Claim 4 is Allowable Over *Couts***

The Office Action indicates that claim 4 stands rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Publication Number 2003/0120805 (“*Couts*”). Applicant respectfully traverses this rejection on the grounds that *Couts* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 4 recites:

A communication method comprising:  
receiving an instant messaging (IM) message at a first communication device, the IM message being intended for a recipient at a first IM address;  
conveying the IM message to a second IM address on a second communication device; and  
***indicating to the second communication device that the message originated from the sender.***  
***(emphasis added)***

Applicant respectfully submits that claim 4, as amended, is allowable over the cited art for at least the reason that *Couts* fails to disclose, teach, or suggest a “communication method comprising... **indicating to the second communication device that the message originated from the sender**” as recited in claim 4, as amended. More specifically, *Couts* discloses that a “message [is] forwarded to the available next user or device of the forwarding list” (FIG. 2, element 228). However, *Couts* is silent regarding indicating to the second communication device that the message originated from the sender. For at least this reason, claim 4, as amended, is allowable.

#### **4. Claim 11 is Allowable Over *Couts***

The Office Action indicates that claim 11 stands rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Publication Number 2003/0120805 (“*Couts*”). Applicant respectfully traverses this rejection on the grounds that *Couts* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 11 recites:

A computer-readable storage medium comprising:  
computer-readable code adapted to instruct a programmable device to receive an instant messaging (IM) message at a first communication device, the IM message being sent by a sender and intended for a recipient at a first IM address;  
computer-readable code adapted to instruct a programmable device to convey the IM message to a second communication device at a second IM address; and

**computer-readable code adapted to instruct a programmable device to indicate to a second recipient that the message originated from the sender.**

**(emphasis added)**

Applicant respectfully submits that claim 11, as amended, is allowable over the cited art for at least the reason that *Couts* fails to disclose, teach, or suggest a “computer-readable storage medium comprising... **computer-readable code adapted to instruct a programmable device to indicate to a second recipient that the message originated from the sender**” as recited in claim 11, as amended. More specifically, *Couts* discloses that a “message [is]

forwarded to the available next user or device of the forwarding list” (FIG. 2, element 228). However, *Couts* is silent regarding indicating to the second communication device that the message originated from the sender. For at least this reason, claim 11, as amended, is allowable.

**5. Claims 3, 5, and 12 are Allowable Over *Couts***

The Office Action indicates that claims 3, 5, and 12 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Publication Number 2003/0120805 (“*Couts*”). Applicant respectfully traverses this rejection on the grounds that *Couts* does not disclose, teach, or suggest all of the claimed elements. More specifically, dependent claim 3 is believed to be allowable for at least the reason that this claim depends from and includes the elements of allowable independent claim 2. Dependent claim 5 is believed to be allowable for at least the reason that this claim depends from and includes the elements of allowable independent claim 4. Further, dependent claim 11 is believed to be allowable for at least the reason that this claim depends from and includes the elements of allowable independent claim 11. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

**B. Allowable Over *Appelman***

**1. Claim 6 is Allowable Over *Appelman***

The Office Action indicates that claim 6 stands rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent Number 6,539,421 (“*Appelman*”). Applicant respectfully traverses this rejection on the grounds that *Appelman* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 6 recites:

A communication method comprising:  
receiving an instant messaging (IM) message intended for a recipient, the recipient having IM addresses, the IM message including a designated IM address of the IM addresses for delivering the IM message;

determining a presence of the recipient at each of the IM addresses;

conveying the received IM message to the IM addresses at which the recipient is present; and

***indicating to a second recipient that the message originated from the sender.***

***(emphasis added)***

Applicant respectfully submits that claim 6, as amended, is allowable over the cited art for at least the reason that *Appelman* fails to disclose, teach, or suggest a “communication method comprising... ***indicating to a second recipient that the message originated from the sender***” as recited in claim 6, as amended. More specifically, *Appelman* discloses an “MA user interface 10 [that] is used to participate in two communication sessions 44 and 46 with first and second users, respectively” (column 5, line 18). Applicant respectfully submits that this is different than claim 6, as amended, for at least the reason that participating in two communication sessions with two different users is different than indicating to a second recipient that a message originated from a sender. For at least this reason, claim 6, as amended, is allowable.

## **2. Claim 7 is Allowable Over *Appelman***

The Office Action indicates that claim 7 stands rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent Number 6,539,421 (“*Appelman*”). Applicant respectfully traverses this rejection on the grounds that *Appelman* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 7 recites:

A communication method comprising:

receiving an instant messaging (IM) message intended for a recipient, the recipient having IM addresses, the IM message including a designated IM address of the IM addresses for delivering the IM message;

determining a last active time for each of the IM addresses;

conveying the received IM message to the IM address having a most recent last active time; and

***indicating to a second recipient that the message originated from the sender.***

***(emphasis added)***

Applicant respectfully submits that claim 7, as amended, is allowable over the cited art for at least the reason that *Appelman* fails to disclose, teach, or suggest a “communication method comprising... **indicating to a second recipient that the message originated from the sender**” as recited in claim 7, as amended. More specifically, *Appelman* discloses an “MA user interface 10 [that] is used to participate in two communication sessions 44 and 46 with first and second users, respectively” (column 5, line 18). Applicant respectfully submits that this is different than claim 7, as amended, for at least the reason that participating in two communication sessions with two different users is different than indicating to a second recipient that a message originated from a sender. For at least this reason, claim 7, as amended, is allowable.

### **3. Claim 13 is Allowable Over Appelman**

The Office Action indicates that claim 13 stands rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent Number 6,539,421 (“*Appelman*”). Applicant respectfully traverses this rejection on the grounds that *Appelman* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 13 recites:

A computer-readable storage medium comprising:  
computer-readable code adapted to instruct a programmable device to receive an instant messaging (IM) message intended for a recipient, the recipient having IM addresses, the IM message including a designated IM address of the IM addresses for delivering the IM message;  
computer-readable code adapted to instruct a programmable device to determine a last active time for each of the IM addresses;  
computer-readable code adapted to instruct a programmable device to convey the received IM message to the IM address having a most recent last active time; and  
**computer-readable code adapted to instruct a programmable device to indicate to a second recipient that the message originated from the sender.**

**(emphasis added)**

Applicant respectfully submits that claim 13, as amended, is allowable over the cited art for at least the reason that *Appelman* fails to disclose, teach, or suggest a “computer-readable

storage medium comprising... **computer-readable code adapted to instruct a programmable device to indicate to a second recipient that the message originated from the sender**” as recited in claim 13, as amended. More specifically, *Appelman* discloses an “MA user interface 10 [that] is used to participate in two communication sessions 44 and 46 with first and second users, respectively” (column 5, line 18). Applicant respectfully submits that this is different than claim 13, as amended, for at least the reason that participating in two communication sessions with two different users is different than indicating to a second recipient that a message originated from a sender. For at least this reason, claim 13, as amended, is allowable.

#### **4. Claims 8 – 10 and 14 – 16 are Allowable Over *Appelman***

The Office Action indicates that claims 8 – 10 and 14 – 16 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S Patent Number 6,539,421 (“*Appelman*”). Applicant respectfully traverses this rejection on the grounds that *Appelman* does not disclose, teach, or suggest all of the claimed elements. More specifically, dependent claims 8 – 10 are believed to be allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 7. Further, dependent claims 14 – 16 are believed to be allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 13. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).



### **CONCLUSION**

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and Official Notice, or statements interpreted similarly, should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

/afb/

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